PROJECT 182

BAIL VERIFICATION AND SUPERVISION IN ONTARIO

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Ontario

MINISTRY OF CORRECTIONAL SERVICES

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I INTRODUCTION

This is the second report based on research being conducted on the bail verification and supervision projects in Ontario. An earlier report (Madden, Carey & Ardron, 1980) described the first year's operation of the project. It focused on the experience of the bail supervision clients and the apparent impact of the projects on the institutional remand population. The findings at that time were inconclusive, resulting in the decision to continue both facets of the research.

A. BACKGROUND

The development and growth of bail projects were documented in the previous report, but are worth reviewing to put the research in context. The projects were originally developed in response to a growing concern over the number of remanded inmates held in provincial jails and detention centres. Research conducted in the province (Madden, 1978 and Stanley, 1979) brought into question the need for a portion of the remand population to be incarcerated; especially those held a short period only to be released on bail or on their own recognizance, and those held until the conclusion of their case, only to be given a non-incarcerative sentence.

The programme which developed in response to this concern involves two main components, verification and bail supervision. The verification component consists of locating staff in courts or police holding cells to interview individuals coming up for show-cause hearings. Information such as living and employment situation is collected and verified by phoning employers, family or other sources prior to the hearing. With this verified information it was felt that the court is in a position to release more individuals, either on bail or their own recognizance. In cases where release will happen anyway, the verified information may allow the release to take place sooner. Many of those held on remand are only in for the few days during which the show-cause hearing itself is remanded.

The supervision component of the project is designed as an alternative form of release for those unable to meet monetary conditions or those felt unsuitable for traditional forms of release. An additional activity has developed which involves project staff interviewing individuals already in a jail or detention centre in order to try and facilitate their release.

The programme began with the contracting of three projects in Hamilton, St. Catharines and Kitchener/Waterloo in April 1979. The project quickly expanded, first to Toronto, then later to Ottawa, Sault Ste. Marie, Thunder Bay, Sudbury, Brampton/Peel and Barrie. In total, courts representing 60% of the admissions to Ontario jails and detention centres are now served by bail projects, and as of January this year, there were 850 clients on bail supervision throughout the province

II METHODOLOGY

A. FOCUS

This research was designed to assess the projects from two points of view. As the main rationale for the programme, the apparent impact of the projects on the institutional remand population was the main focus of the research. As with any analysis of institutional populations, two measures are important: the number of admissions, and the actual static count in the institution at any point in time. Changes in both these measures following the implementation of the bail projects were assessed. The results were compared to figures over the same period in areas not served by bail projects.

The other focus of this research was on the individuals placed on bail supervision and on their experience and conduct while on supervision. As well as giving further indication of whether the desired impact was being achieved, this allowed us to take a more detailed look at the specific service being delivered and the type of client being served. This portion of the study also enabled us to identify factors related to success on bail supervision.

B. INSTITUTIONAL IMPACT

While other potential impacts of a project of this scope exist, the main focus of this research, was the impact of the project on the institutional remand population. Because so many factors affect the number of persons incarcerated on remand and the length of stay, measuring this impact was problematic. There had been considerable variability in remand admission data prior to the programme implementation and much of the historical data on average remand counts was unreliable. Given this situation, two approaches were taken to assess the impact of the projects. The first approach compared remand days-stay information currently available at the bail project served institutions with the best available pre-implementation data. The second involved an analysis of monthly remand admission data over an extended period of time.

1. Days Stay Information

Information on midnight counts in all provincial institutions is phoned into the Ministry's main office and recorded and stored on the computerized "Days-Stay System". Starting in April 1981, the count of remanded prisoners was added to the information phoned in and recorded on this system. For purposes of this system, the remand count includes all those with outstanding charges, including those who are serving a sentence.

For the first time, this System allowed for a reliable ongoing measure of the extent of the remand population.

Previous data on remand counts were based on the Ministry's main Adult Information System (AIS) which stores chronological records of individual clients. Because of the need to calculate days-stay on individual cases, and the extent of missing information on that system, remand data from this source were quite unreliable unless data were specifically edited for a given run. It was from such a special run that the pre-implementation data on days-stay for this report were obtained. In that run, those who were remanded as well as serving a sentence were excluded from the total remand count.

Because the definitions of remands differed, direct comparisons between the AIS based pre-implementation data and the days-stay system based post-implementation data would not be meaningful. The approach taken, to overcome this problem, was to rank all institutions in terms of the percentage of their population which represented remanded inmates. A change in ranking between the two time periods was used as the criterion measure.

2. Remand Admission Data

Two measures which utilize remand admission data were examined: the total remand admissions per month, and the monthly admissions resulting in stays on remand of over six days. Both sets of data were provided by a computer programme, specifically designed for this study, which extracted this information from the AIS. Monthly data were analyzed for the period beginning April 1977 and ending August 1981. This provided enough data to indicate trends in the pattern of admissions prior to and following programme implementation.

Rather than examine individual projects, monthly data were totalled for projects with similar starting time. This left four sets of figures to analyze: the original projects (Hamilton, Kitchener and Niagara), the downtown Toronto Courts, the total Metro Toronto data, and the five projects which started in April or May of 1980 (Brampton/Peel, Sault Ste. Marie, Ottawa, Sudbury and Thunder Bay). All courts not served by bail projects were also combined to provide a basis for comparison. The Barrie project which did not start until October 1980 was not included in the analyses.

To facilitate the identification of long term trends, the data were adjusted for any consistent seasonal trend prior to plotting.

C. SUPERVISION SAMPLE ANALYSIS

This portion of the study represented a direct extension of the approach used in the original report. From the programme's inception, the bail project agencies were requested to complete a client information form at the conclusion of each period of supervision. This form included brief sections on

the background of the clients, the terms of supervision, and the outcome of the supervision cases if known.

The original report was based on the analysis of the first 389 forms completed. Intake for the present report included all cases terminated prior to November 1, 1980. By that time, 1057 forms had been received, including the original 389. These cases are broken down by project area as follows:

BAIL PROJECT AREA	NO. OF CASES
Toronto	554
St. Catharines	199
Hamilton	175
Waterloo	97
Sault Ste. Marie	19
Brampton	8
Others	5
TOTAL SAMPLE	1057

III RESULTS

A. INSTITUTIONAL IMPACT - DAYS-STAY INFORMATION

As indicated in the methodology section, two approaches were taken in an attempt to measure the impact of the projects on institutional remand population. The first dealt directly with the actual daily counts of remanded individuals in project served institutions. The post-implementation data were from the Days-Stay System over the period April 1st to December 31, 1981. The proportion of the total jail population which was made up of remanded inmates, including those also serving a sentence, was calculated. As shown in Table 1, for institutions served by bail projects, this percentage ranged from 68.6% in the Toronto area to 32.7% in Thunder Bay. Overall, project served institutions averaged 59.5% remanded inmates compared to 35.0% for institutions not served by bail projects. This, on its own, tells us little about the projects' impact. It could, in fact, indicate that the projects were located where they were most needed.

The more meaningful information is the change in the situation from before the projects were in place. Unfortunately, remand counts were not recorded on the Days-Stay System prior to April, 1981. The best available pre-implementation data on remand counts were in a document prepared in November, 1979, in response to concern over the remand situation at that time. This document was based on output from the Adult Information System and provided remand days-stay information for the period from January, 1978, through June, 1979. Unlike the post-implementation data, those serving a sentence, as well as being held on remand, were not included, making direct comparison meaningless. Instead, each institution's rank, in terms of the percentage of the population made up of remanded inmates, was compared for the two time periods.

The second and third columns of Table 1 show the ranking of each institution before and after the projects were in place, with a ranking of #1 indicating the highest percentage of remands. Only two of the project served institutions, Thunder Bay Jail and Waterloo D.C. dropped significantly, indicating a reduced remand population. Niagara D.C. dropped slightly and Hamilton-Wentworth D.C. maintained its ranking. All other project served institutions actually ranked higher during the period after the projects were in place. While not statistically reliable, ($Z=0.707$, $p>.05$), it is worth noting that the number of project served institutions, which raised their ranking, outnumbered those which dropped.

TABLE 1

PROPORTION OF REMANDED INMATES IN PROJECT SERVED INSTITUTIONS

PROJECT SERVED INSTITUTIONS	% REMAND OR REMAND AND SENTENCE APRIL THROUGH DECEMBER 1981	RANK OF ALL JAILS & D.C.'s BY % REMAND	RANK IN JAN. 1978-JUNE 1979
Metro Toronto *	68.6	1	3
Ottawa Carleton D.C.	54.9	3	22
Barrie Jail	50.8	6	11
Hamilton-Wentworth D.C.	49.9	8	8
Waterloo D.C.	47.8	10	5
Niagara D.C.	44.4	11	10
Sudbury Jail	44.3	12	34
Sault Ste. Marie Jail	41.1	13	16
Thunder Bay Jail	32.7	21	6

* Toronto Jail, Metro East and Metro West have been combined and dealt with as one institution because of changes in the use of these facilities with regard to remands.

B. INSTITUTIONAL IMPACT - ADMISSION DATA

The rate of remand admissions, while not measuring directly the projects' desired impact on the actual numbers held at any point in time, is an important measure. For one thing, the data is available on a monthly basis over an extended period of time. This is critical for analyses such as these, so continuations of trends in existence prior to the project are not misinterpreted as project impact. This point will become obvious in the discussions that follow. Another point is that, from both a practical (financial) and humanitarian point of view, the prevention of the jail admission is almost as important as the reduction in time served on remand.

As described in the methodology section, the admission data were grouped according to the starting dates of the projects. The seasonally adjusted monthly admission for each group are presented and discussed in the following pages. In each case, total admissions, as well as admissions stay over six days, are plotted. It was felt, given some of the weaknesses in the Days-Stay data, that plotting the longer stay admissions would provide a back-up indicator of remand population size.

FIGURE 1

Remand Admissions From Original Project Courts

(Hamilton Wentworth, Niagara Region, Kitchener/Waterloo)

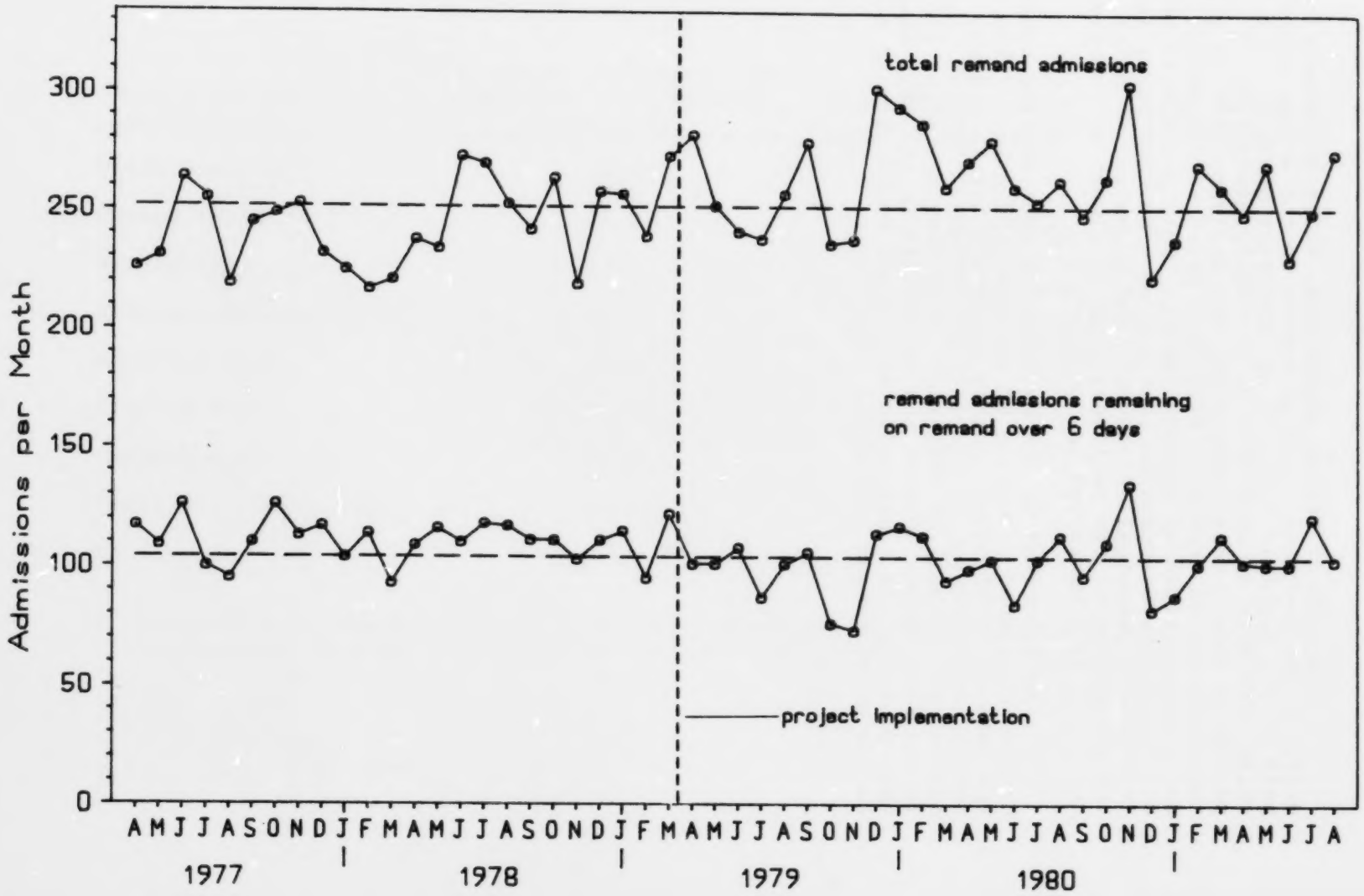
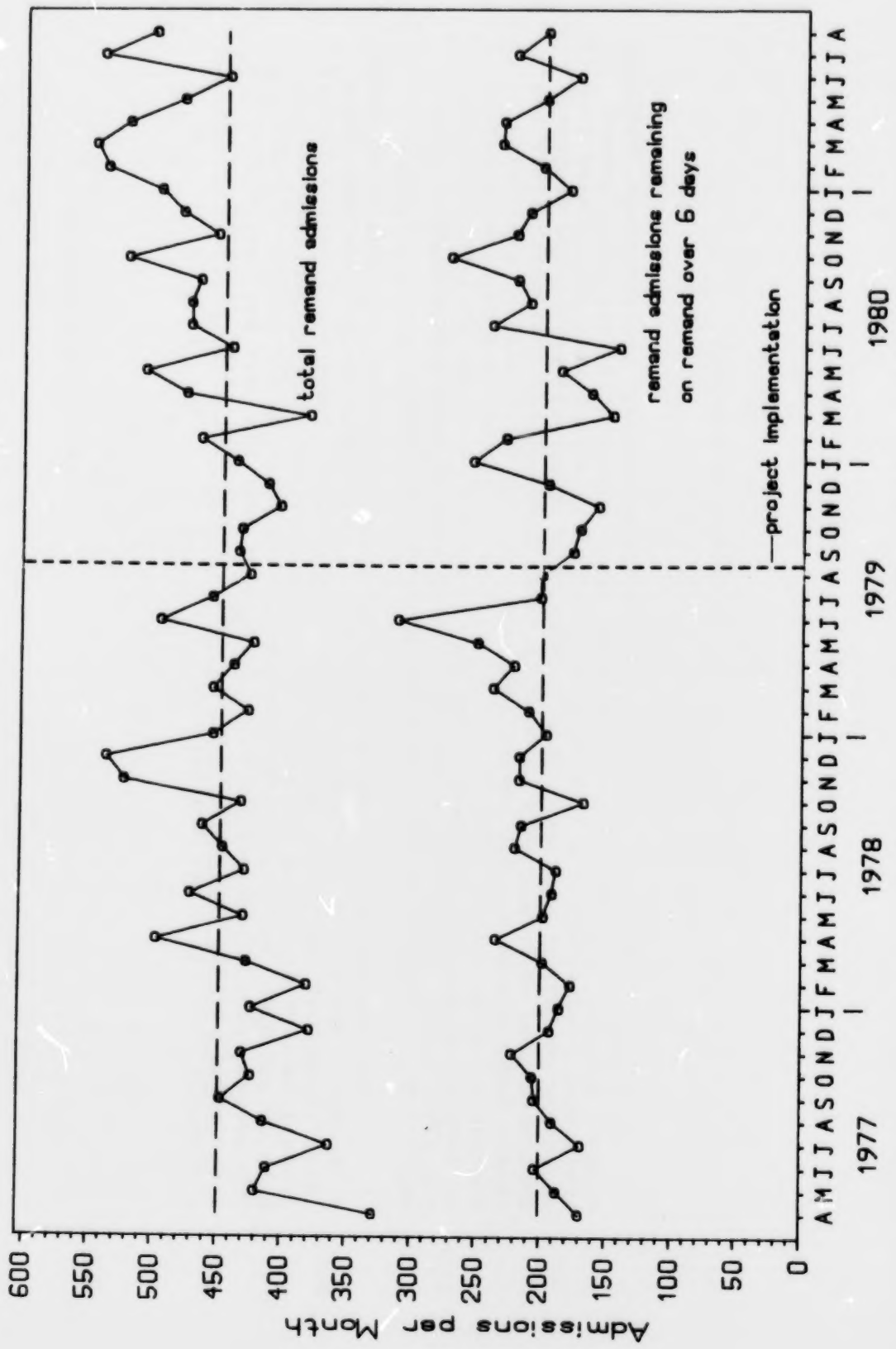

total remand admissions
remand admissions remaining
on remand over 6 days
project implementation
Admissions per Month
0
50
100
150
200
250
300
A M J J A S O N D J F M A M J J A S O N D J F M A M J J A S O N D J F M A M J J A S O N D J F M A M J J A
1977
1978
1979
1980

Figure 1 shows the admissions in the three original project areas, Hamilton Niagara and Kitchener/Waterloo. The upper line, representing the total remand admissions, varies about a line indicating a fairly steady rate of increase from the beginning of data collection. This increase continues well beyond the projects' implementation in April, 1979 through to early 1980. Since that point there has been a decline with monthly remand admissions in the first half of 1981 being similar to those during 1978-79. It is hard to attribute this decline, starting so long after project implementation, to the existence of the project. Overall, the total remand admissions since the project started have averaged 261.1 per month. This compares to 244.0 over the previous two years.

The pattern for the admissions staying on remand over six days is somewhat different. Apart from relatively small fluctuations, the pattern has been quite level throughout the entire period under examination. There was a period of very gradual decline following the projects' implementation. Since then, fluctuations both up and down, have been more pronounced than prior to the project's existence. The average rate of admissions which stayed for over six days has been slightly lower since project implementation ($\bar{x}$ = 101.5 per month) than was experienced previously ($\bar{x}$ = 111.1 per month).

FIGURE 2

Remand Admissions From Downtown Toronto Courts

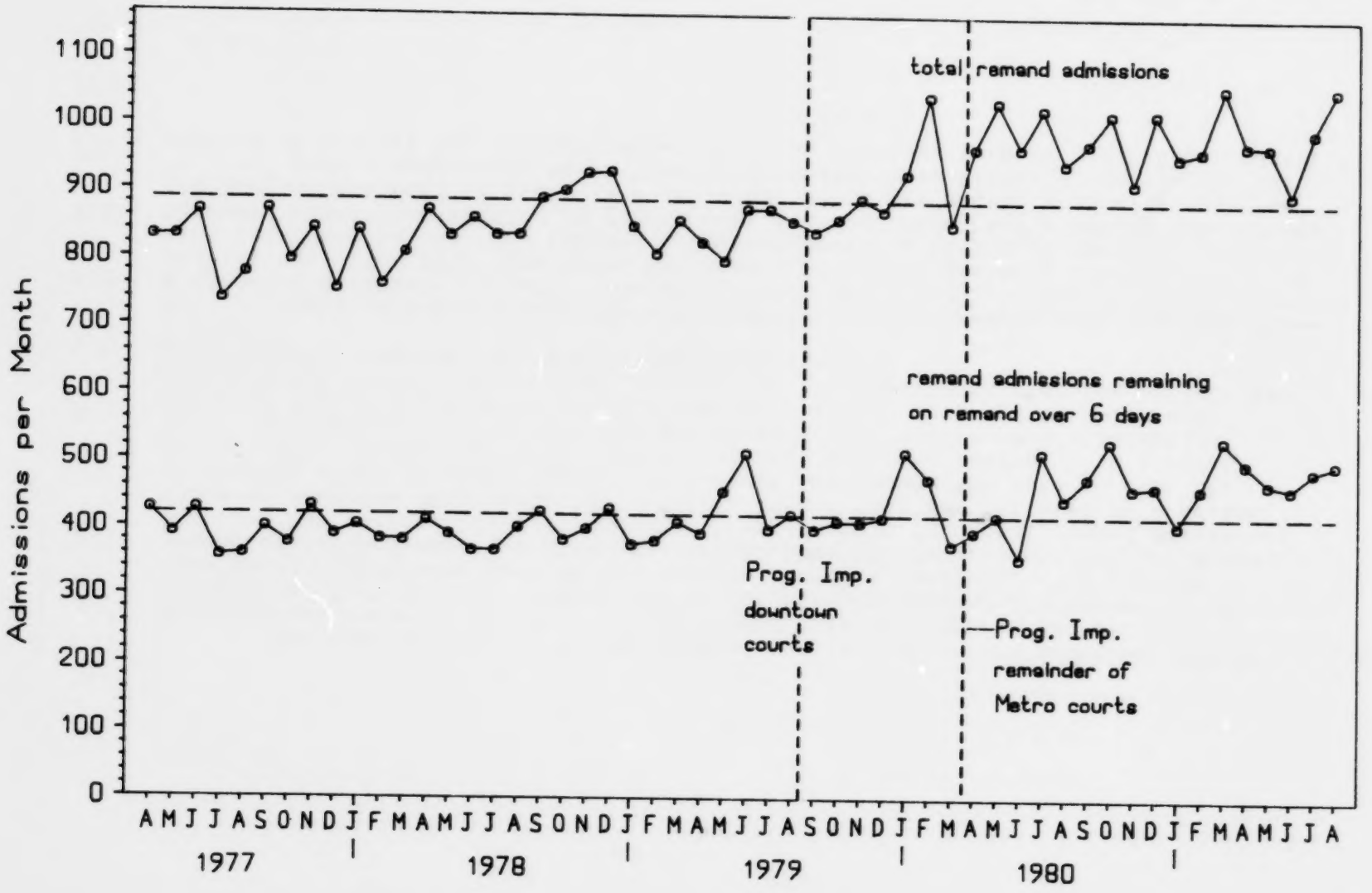


The next project to be implemented was located in the downtown area of Metropolitan Toronto, the area served by Old City Hall Courts and recently by the College Park Courts. Admissions to the three Toronto Jails/Detention Centres from these courts were used as the measure for this project. The pattern of remand admissions here was much less stable than in the original project areas. Ignoring the smaller fluctuations, the basic pattern for total remand admissions shows an increase from early 1977 to late 1978. This was followed by a period of decline which extended beyond the project implementation date to near the end of 1979. Since that time, admissions have been increasing quite steadily. It is interesting to note that the months following the project's inception occurred during a low swing in this pattern. It was this period which was examined for the previous report, leading to the impression that the project had substantially reduced the rate of remand admissions.

The line representing the admissions staying on remand over six days shows a somewhat different pattern. Admissions from April 1977 through 1978 were quite stable, but since that time there has been a series of dramatic fluctuations. As with total admissions, the project commenced during a period of decline. Overall, however, admissions staying on remand over six days have been slightly lower since the project has been in place ($\bar{x}$ = 202.3 vs. 207.5 per month). This is not true of total remand admissions which have been considerably higher since the project started ($\bar{x}$ = 473.1 per months) compared to the previous rate ($\bar{x}$ = 437.5 per month).

FIGURE 3

Remand Admissions From Metropolitan Toronto Courts



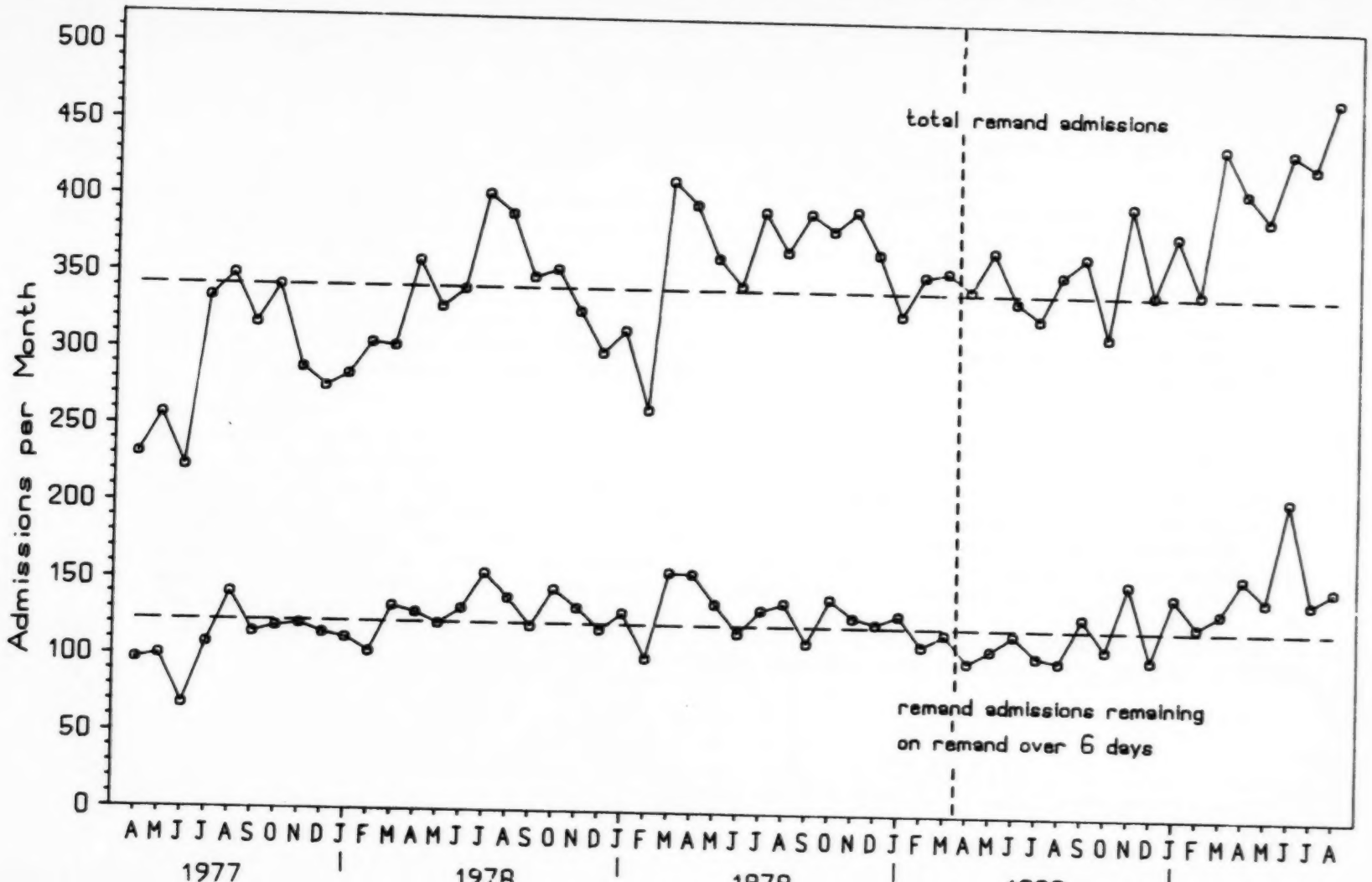
By April of 1980, the Toronto Bail Project was serving the entire Toronto area, including the downtown courts discussed in the previous section. Figure 3 represents the admission data for the total Toronto area. The total remand admission data show a fairly steady incline from the beginning of the period under investigation until the summer of 1980. Beyond this point, there appears to be a levelling off, although we cannot be certain whether this represents a true change in the pattern or a temporary fluctuation such as occurred after the peak in 1978. As a result of the general pattern of increase, the average rate since the project served the entire Toronto area has been substantially higher ($\bar{x}$ = 988.2 per month) than during the previous three years ($\bar{x}$ = 849.8 per month).

The pattern of longer stay remand admissions in the Toronto area was similar to the total remand admissions. There were a number of fluctuations but the general trend was for a fairly steady increase. The apparent levelling off which occurred in the total remand admission data was not present in the admissions staying on remand over six days. As with the total admissions, the inclining pattern over the study period resulted in substantially higher post-implementation averages. Admissions staying over six days averaged 467.1 per month since the projects expansion compared to 406.1 prior to that time.

FIGURE 4

Remand Admissions From Recently Started Project Courts

(Ottawa, Sault Ste. Marie, Brampton/Peel, Sudbury and Thunder Bay)

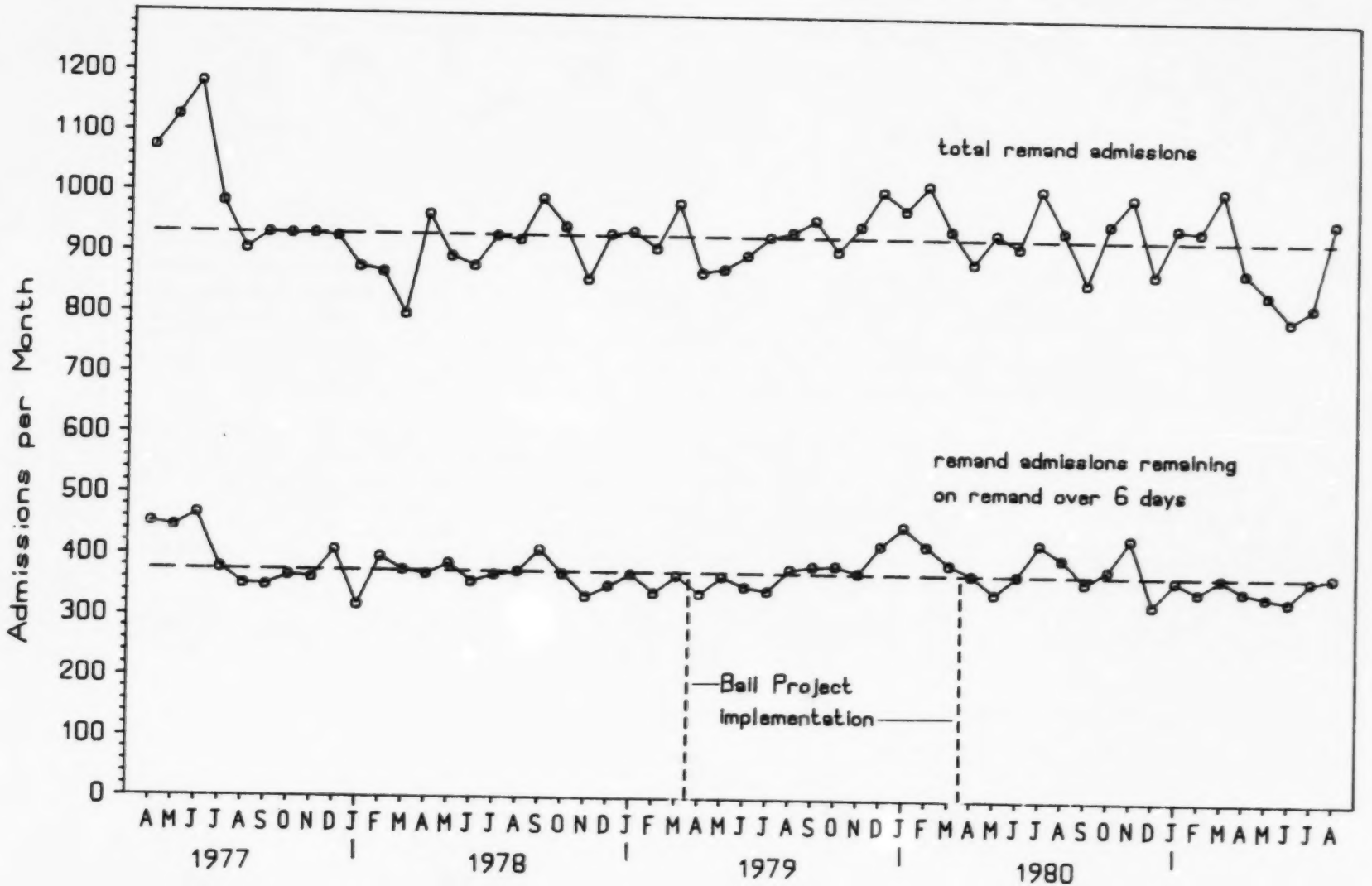

Admissions per Month
500
450
400
350
300
250
200
150
100
50
0
total remand admissions
remand admissions remaining
on remand over 6 days
A M J J A S O N D J F M A M J J A S O N D J F M A M J J A S O N D J F M A M J J A S O N D J F M A M J J A
1977
1978
1979
1980

The last grouping of projects, those which were started at or near the beginning of the 1980-81 fiscal year, includes Brampton/Peel, Sudbury, Sault Ste. Marie, Thunder Bay and Ottawa. The line representing the total remand admissions appears to vary around a curve which increased through 1977 and 1978 and leveled off through 1979. Starting near the end of 1979, and continuing through the project's implementation, there was a decline which was followed, starting in the fall of 1980, by a rather sharp increase.

The remand admissions staying over six days showed a similar pattern, although the pre-implementation period showed much less fluctuation. The incline since the projects began was much like that exhibited by the total admissions. The result is that for both the total and longer stay admissions, the average rates were higher during the post implementation period. Total remand admissions rose from 335.9 to 380.4 per month while the remand admissions staying over six days increased from 124.0 to 131.9.

FIGURE 5

Remand Admissions From Courts Not Served By Bail Projects



The final grouping includes all admissions from courts not served by the bail projects. This data shown in figure 5, was collected to provide a basis for comparison for the project served area data. Any conclusions to be drawn about the impact of the programme have to be based on certain assumptions about what would have happened had the projects not been in place. What happened in the non-project areas aided in forming that assumption. If any dramatic change in the pattern of admissions in non-project areas had occurred, it would have influenced the conclusions to be drawn from the data from those areas that were served by the bail projects. No such changes occurred. Admissions in the non-project areas, in fact, were quite steady ever since an unexplained peak in early 1977. Total admissions averaged 942.6 per month prior to April 1979, 935.6 during the fiscal year 1979-80, the year in which most projects started, and 929.4 since April 1980. Admissions staying on remand for over six days followed a similar pattern, averaging 376.9, 385.1 and 373.2 in the same three time periods.

Another source of data used to aid in the interpretation of the admission figures was the level of activity in the courts. The number of criminal code offences received by courts, grouped into the same areas as the remand admission data were calculated. (see Appendix A). As with the non-project admission data, the court data contained nothing to indicate that greater increases would have occurred had the projects not been in place. Increases in court activity, in fact, tended to be greater in the non-project areas.

C. SUPERVISION CASES

1. Background

The data described in this chapter indicate no significant changes in the personal characteristics of the clients from those described in the earlier report. As shown in Table 2, 55.6% of the sample were twenty years of age and under, and the majority of this group were 17 or 18. The average age of the total sample was just over 23 years. As would be expected from such a young sample, the majority of those supervised were single (77.7%). Only 10.8% were married or living common-law and another 11.5% were separated, divorced or widowed.

Living accommodations of the clients also reflect their young age, with 50.8% of them living with either their parents or alone. The remainder of the sample was divided among 'living with marital family' (7.8%), 'relatives' (7.6%), 'friends' (22.0%), and 'halfway houses or bail hostels' (11.8%).

The educational level for approximately 72% of those supervised was grade 10 or less, with only 7.6% having gone beyond grade 12. At the time supervision began, most of the sample were unemployed (72.8%). Only 21.2% were employed either full or part time, and another 1.6% of the sample were attending school.

The majority of those placed on bail supervision had already been exposed to some form of criminal activity. Over 70% had at least one prior conviction and 7.1% were categorized as having an extensive criminal history. Nearly one-third of the clients were involved with the criminal justice system at the time of the offence leading to their being placed on bail supervision. This involvement included 26.0% on probation or parole and 16.0% awaiting trial on other charges.

A major concern of the courts for persons being considered for bail is failure to appear at the scheduled trial date. The past record of court appearances for this sample indicated that 77% of the clients had had no previous charges of fail to appear.

The charges which led to the present bail supervision involved mainly property offences (90%) and offences against public order and peace (68%).

The following table contains a more detailed outline of the personal characteristics of the supervised clients.

TABLE 2

CHARACTERISTICS OF SUPERVISION CLIENTS

	N	%
SEX		
Male	873	82.6
Female	184	17.4
AGE		
17 or under	269	26.5
18 - 20	296	29.1
21 - 25	171	16.8
26 and over	281	27.6
Missing information	(40)	
MARITAL STATUS		
Single	797	77.7
Married/common-law	111	10.8
Separated/divorced	118	11.5
Unknown	(31)	
LIVING ARRANGEMENTS		
Alone	233	24.4
Parental family	252	26.4
Marital family	74	7.8
Relatives	72	7.6
Friend(s)	210	22.0
Half-way house/hostel	113	11.8
Unknown or no fixed address	(103)	
DISTANCE BETWEEN COURT & RESIDENCE		
Within jurisdiction	862	88.7
Within 10 miles	59	6.0
10 - 50 miles	27	2.8
Over 50 miles	24	2.5
Missing information	(85)	
GRADE COMPLETED		
13 or beyond	68	7.6
11 or 12	183	20.6
9 or 10	447	50.3
Less than 9	191	21.5
Missing information	(168)	
EMPLOYMENT STATUS AT BEGINNING OF SUPERVISION		
Employed	150	14.6
Unemployed	747	72.8
Part-time	68	6.6
Student	16	1.6
Disabled/welfare/pension	45	4.4
Missing information	(31)	

CHARACTERISTICS OF SUPERVISION CLIENTS

	N	%
PRIOR CRIMINAL RECORD		
No prior record	288	28.4
Minimal record	464	45.8
Fairly extensive record	189	18.7
Extensive record	72	7.1
Missing information	(44)	
STATUS AT TIME OF OFFENCE		
None indicated	616	58.4
On probation	245	23.2
On parole	7	0.7
On probation & parole	9	0.9
On own recognizance	159	15.0
On probation and recognizance	17	1.6
Probation/parole/recognizance	2	0.2
Missing information	(2)	
PRIOR CHARGES OF FAIL TO APPEAR		
None	719	76.5
One	155	16.5
Two	30	3.2
Three or more	16	1.7
Yes, but number unknown	20	2.1
Missing information	(117)	
CURRENT CHARGES AGAINST		
Person	144	13.6
Property	951	89.9
Public morals and decency	48	4.5
Public order and peace	723	68.4
Liquor	44	4.2
Drug	69	6.5
Traffic	53	5.0
Other	4	0.4

(Some had offences in more than one category)

2. Conditions of Release

Reporting to the bail project staff is one of the basic conditions for pre-trial release. The reporting requirements for the clients were set by the courts. These varied from daily reporting to reporting once a month. In the majority of cases the courts left this decision to the discretion of the project staff.

The distribution of reporting requirements for this sample were as follows:

TABLE 3

REPORTING REQUIRED

	N	%
Daily	33	3.3
Twice Weekly	124	12.5
Weekly	474	48.0
Every 2 weeks	14	1.4
Every 3 weeks	42	4.3
As directed	302	30.5
	989	100.0
Missing information	(68)	

In addition to the reporting requirement, the court often appended one or more special conditions as part of the individual's release condition. In this sample 750 (71%) of the cases had such additional restrictions.

These conditions were categorized as follows:

TABLE 4

SPECIAL CONDITIONS OF RELEASE

	N	% OF TOTAL SAMPLE
Reside at a specified or approved residence	501	47.4
Curfew	243	23.0
Not associate with specified person(s)	214	20.3
Abstain from use of alcohol/drugs/solvents	183	17.3
Not frequent specified places/stores	65	6.2
Seek and continue treatment	50	4.7
Seek and maintain employment	34	3.2
No weapons	14	1.3
Not write cheques	10	1.0
Obtain psychiatric help	10	1.0
Do not operate motor vehicle	5	0.4
Seek legal aid	1	0.1
Continue with school	1	0.1
TOTAL WITH SPECIAL CONDITIONS	750	71.0

(Some cases had more than one special condition)

3. Supervision Experience

The length of time on supervision differed for each client. Of the full sample of 1,057 clients released on supervision as a condition, only 22 (2%) clients never reported to the bail staff. The greatest number of clients were on supervision one to three months. Table 3 provides a more detailed look at the length of time on supervision for the full sample.

TABLE 5

LENGTH OF TIME ON SUPERVISION

	N	%
Never reported	22	0.2
Less than a month	189	18.3
One month, less than three	402	38.8
Three months, less than six	305	29.5
Over six months	139	13.2
	1057	100.0

While a release on supervision was in effect, the bail project staff not only enforced the mandatory conditions of release, they also provided services for clients as required. Some of these needs were related to the special conditions prescribed by the court at the time of their release. For example, the special condition of abstaining from alcohol or drugs may have indicated the need for some form of treatment. This was serviced through counselling and/or referrals to a treatment program. It is likely that the services provided are underestimated due to the loose structure of the question on the information form.

At least one service was indicated in 680 (64.3%) of the cases. The breakdown of the services reported are shown in Table 5.

TABLE 6

SERVICES PROVIDED TO CLIENTS WHILE ON SUPERVISION

	N	% OF TOTAL SAMPLE
General counselling	409	38.7
Legal assistance	149	14.1
Assist with locating work/school	144	13.6
Assist with obtaining financial aid (Welfare)	177	11.1
Assist with locating residence	111	10.5
Counsel re: A.A. or A.R.F.	110	10.4
Counsel re: employment training	100	9.5
Counsel re: family relations	42	4.0
Referred to other correctional agency	36	3.4
Referred to psychiatric counsel	23	2.2
Counsel re: medical assistance	14	1.3
Referred to bail hostel	14	1.3
Assist with budgeting	9	0.8
Committed to psychiatric hospital	7	0.7
Counsel re: school relations	4	0.4
Counsel during pregnancy	3	0.3
Total receiving extended services	680	64.3

(Some cases had more than one service listed)

Particular attention should be given to the services dealing with certain problem areas which are common in the correctional setting. Employment and drug and alcohol abuse are two such areas.

As mentioned earlier in the report, a high proportion of cases (72.8%) were unemployed at the beginning of their supervision. At the termination of supervision, however, the data showed that 11.4% of the cases had been able to obtain employment. It seems likely that this increase was a result of the programs and services of the project staff.

Of the 253 clients who were known drug users, 37 (14.6%) received some type of treatment. Since the extent of drug use was not determined in the study, it is possible that many of the drug users may not have needed treatment.

There were 221 clients identified as heavy drinkers. Treatment was provided to 133 (60.2%) of them.

The following tables outline the specific treatments for both groups:

TABLE 7

TREATMENT GIVEN TO DRUG USERS

	N	%
No treatment mentioned	210	83.0
Counselling	26	10.3
Addiction Research Foundation	11	4.3
Refused treatment	5	2.0
On waiting list for treatment	1	0.4
TOTAL CLIENTS USING DRUGS	253	100.0

TABLE 8

TREATMENT GIVEN HEAVY USERS OF ALCOHOL

	N	%
No treatment mentioned	55	24.9
Counselling	29	13.1
Alcoholics Anonymous	101	45.7
Psychiatric treatment	22	9.9
Antabuse	3	1.4
Refused treatment	9	4.1
On waiting list	2	0.9
TOTAL CLIENTS USING ALCOHOL HEAVILY	221	100.0

4. Compliance With Release Conditions

The three basic release conditions for bail supervision specify that the supervised client, (1) must attend court on the date set, (2) must report to the bail supervisor and (3) must comply with any special conditions set by the court. For all three conditions, however, there were violations. Since details of the violations were not recorded, the degree of seriousness was not known.

Failure to appear at court was the least frequent violation. Approximately one-quarter of the sample (269, 26.7%) missed at least one court appearance. Violations of not reporting to the bail supervisor were the most frequent with 589 (55.7%) of the clients not reporting at least once during their supervision period. Clients who violated a special condition at least once, totalled 365 (40.8%) of the sample. This number represents 48.7% of the clients who had any special condition to meet during their supervision.

Legal action being taken against a client for one of the above violations was taken as the best available indicator of the seriousness of the infraction. Of the 647 clients who violated either the reporting condition or one of the special conditions, only 184 (28.4%) were breached. A total of 269 supervised clients missed at least one court appearance and 242 (90.0%) of them were charged with fail to appear. This number, however, represents only 22.9% of the total sample of clients. Table 9 specifies the conditions for which legal action was taken.

TABLE 9

LEGAL ACTION TAKEN AGAINST CLIENTS

WHO BREACHED RELEASE CONDITIONS

	N	% OF TOTAL SAMPLE
Charge of Breach of Recognizance (only)	41	3.9
Charge of Fail to Appear (only)	95	9.0
Charged with other offence (only)	174	16.5
Any combination of above	223	21.1
TOTAL GROUPS RECEIVING CHARGES	533	50.4

Clients charged with a new offence while on bail supervision were also considered violators of their release conditions. New offences were committed by 366 (34.6%) of the sample. These offences were combined under the heading of type of offence and are presented below:

TABLE 10

TYPE OF OFFENCES FOR CHARGES RECEIVED WHILE ON SUPERVISION

	N	% OF TOTAL SAMPLE
Crimes against Public Order and Peace	174	16.5
Crimes against Property	142	13.4
Crimes against Person	30	2.8
Drug Offences	20	1.9
Liquor Offences	16	1.5
Crimes against Morals and Decency	11	1.0
Traffic Offences	9	0.9
Unknown	64	6.1
TOTAL RECEIVING CHARGES WHILE ON SUPERVISION	366	34.6

A total of 533 (50.4%) of the sample had at least one form of infraction during their bail release period which led to some form of legal action.

5. Completion of Supervision

There were a variety of reasons for termination of bail supervision. These reasons were grouped into categories of successful and unsuccessful. Successful outcome was defined as the completion of the court process of dealing with the charges which initially led to supervision. In the majority of cases this was achieved. In many of the remaining cases, however, supervision was terminated because of incarceration as a result of new charges or a breach of the release conditions. The various reasons for termination are presented in the following table, and clients were grouped according to whether they were considered successful or unsuccessful.

TABLE 11

REASON FOR TERMINATION OF SUPERVISION

	N	%
Successful		
Case finalized	630	59.6
Left area with court authorization	15	1.4
Held for P.S.R. upon conviction	3	0.3
Supervision condition removed by court	15	1.4
Unsuccessful		
Incarcerated	168	15.9
Absconded	124	11.7
Never reported	25	2.4
Terminated because uncooperative	42	4.0
Other		
Died	4	0.4
Psychiatric Hospital	1	0.1
Unknown	(30)	
TOTAL	1,057	100.0

This breakdown shows 663 (62.7%) of the clients as having successfully completed their supervision. However, 211 of these cases had some type of violation which led to legal action during their supervision. Therefore, only 452 (42.8%) successfully completed supervision with no serious violation. This group of successful clients are discussed in the following section.

6. Factors Related to Success on Bail Supervision

The sections covered up to this point have dealt with a description of the clients' bail supervision experience. This section identifies factors related to bail supervision performance. The measure of success used was successful completion of supervision and no violations serious enough to warrant legal action. A number of variables were tested against this measure of success.

The variables highly associated with success were age, marital status, living arrangements, education, prior criminal record, employment status, reporting conditions and drug use.

The age groups with the highest incidence of success were those 18-20 years and those 25 years and over. The least likely to succeed were those 17 years and younger. While this poor record for the youngest group is consistent with most other outcome studies, the low rate of success for the group 21-25 was unexpected.

Clients who were married or living common-law were more likely to succeed than those who were single, separated or divorced. Among this second group, the single group was the least likely to succeed. The data regarding the living accommodation of these clients supported the above findings. The highest incidence of success was found with those living with their spouse or common-law partner and/or with their children. Those living with family, relatives or friends were the next most likely to succeed. Reflecting the data on marital status, living alone was the least successful. It would seem from these data that those living in a surrounding with some form of emotional support tended to be more successful on bail supervision.

Findings related to education indicated that the highest percentage of success was found with clients who had fairly substantial high school experience (grades 11-12). An unusual finding relates to our least successful group. While those with grade 10 or less were somewhat less successful than those with grade 11 or 12, the lowest rate of success was among those clients with grade 13 and over. Any attempt to explain this within the framework of this study would only be speculation.

The criminal history of those on supervision had the expected outcome. That is, those with no previous record were the most likely to succeed while those with extensive records had the highest incidence of failure on supervision.

Clients who were employed full-time or attending school at the time of supervision were more likely to succeed than clients working part-time or unemployed. Employment status at the end of supervision was an even more reliable predictor of outcome.

TABLE 12

FACTORS RELATED TO SUCCESS ON SUPERVISION

	SUCCESSFUL	NOT SUCCESSFUL	100%
AGE			
17 or under	100 (37.5)	167 (62.5)	267
18 to 20	142 (48.8)	149 (51.2)	291
21 to 25	66 (39.1)	103 (60.9)	169
26 and over	132 (48.9)	138 (51.1)	270
	x^2=11.64	df=3	p<.01
SEX			
Male	365 (42.5)	494 (57.5)	859
Female	87 (48.9)	91 (51.1)	178
	x^2=2.19	df=1	p>.05
LIVING ARRANGEMENTS			
Alone	92 (39.8)	139 (60.2)	231
Parental family	106 (42.7)	142 (57.3)	248
Marital family	72 (57.1)	54 (42.9)	126
Relatives	34 (47.2)	38 (52.8)	72
Friends	70 (46.1)	82 (53.9)	152
Halfway house/Bail hostel	42 (38.2)	68 (61.8)	110
	x^2=12.64	df=5	p<.05
EMPLOYMENT STATUS WHEN SUPERVISION BEGAN			
Employed	84 (56.8)	64 (43.2)	148
Unemployed	297 (40.4)	439 (59.6)	736
Part-time employment	31 (47.0)	35 (53.0)	66
Student	8 (61.5)	5 (38.5)	13
	x^2=15.57	df=3	p<.01
EMPLOYMENT STATUS WHEN SUPERVISION ENDED			
Employed	145 (65.3)	77 (34.7)	222
Unemployed	153 (33.6)	303 (66.4)	456
Part-time employment	24 (33.8)	47 (66.2)	71
Student	7 (58.3)	5 (41.7)	12
	x^2=65.20	df=3	p<.001
EDUCATION LEVEL			
Grade 8 or less	80 (42.3)	109 (57.7)	189
Grade 9 or 10	187 (42.3)	255 (57.7)	442
Grade 11 or 12	97 (55.1)	79 (44.9)	176
Grade 13 or higher	25 (37.3)	42 (62.7)	67
	x^2=10.64	df=3	p<.05
DRUG USE			
Yes	216 (49.2)	223 (50.8)	439
No	95 (35.1)	176 (64.9)	271
	x^2=13.05	df=1	p<.001

TABLE 12 CONTINUED

FACTORS RELATED TO SUCCESS ON SUPERVISION

	SUCCESSFUL	NOT SUCCESSFUL	100%
TYPE OF OFFENCE			
Against the person	63 (48.5)	67 (51.5)	130
Against property	254 (41.2)	362 (58.8)	616
Against morals and decency	18 (40.9)	26 (59.1)	44
Against public order	225 (42.6)	303 (57.4)	528
Liquor offences	17 (53.1)	15 (46.9)	32
Drug offences	23 (39.0)	36 (61.0)	59
Traffic offences	22 (52.4)	20 (47.6)	42
Other	2 (50.0)	2 (50.0)	4
	Individual x^2's all $p>.05$		
PRIOR CRIMINAL RECORD			
No prior record	157 (55.5)	126 (44.5)	283
Minimal prior record	191 (41.9)	265 (58.1)	456
Fairly extensive record	65 (35.3)	119 (64.7)	184
Extensive record	22 (31.4)	48 (68.6)	70
	$x^2=26.07$	df=3	$p<.001$
PRIOR F.T.A.			
Yes	84 (38.9)	132 (61.1)	216
No	321 (45.6)	383 (54.4)	704
	$x^2=2.75$	df=1	$p>.05$
LEGAL STATUS AT TIME OF OFFENCE			
On probation and/or parole	97 (38.5)	155 (61.5)	252
On recognizance on other charges	63 (40.1)	94 (59.9)	157
On recognizance and probation and/or parole	9 (47.4)	10 (52.6)	19
	$x^2=5.57$	df=3	$p>.05$
REPORTING REQUIRED			
More than twice a week	19 (26.0)	54 (74.0)	73
Twice a week	53 (43.1)	70 (56.9)	123
Weekly	210 (45.3)	254 (54.7)	464
Biweekly	8 (57.1)	6 (42.9)	14
As directed	141 (47.2)	158 (52.8)	299
	$x^2=12.04$	df=4	$p<.05$
MARITAL STATUS			
Single	329 (41.8)	458 (58.2)	787
Married/common-law	63 (57.3)	47 (42.7)	110
Divorced/separated/widowed	49 (43.4)	64 (56.6)	113
	$x^2=9.39$	df=2	$p<.01$

The data pertaining to the clients' reporting conditions were found to be reliably related to success. Those on supervision who had to report frequently, that is, at least once a week, tended to be less successful in completing their period of supervision. This finding likely reflects some accuracy in the judge's screening of clients rather than any negative impact of more intense supervision. It appears though, that success is unlikely, regardless of the level of supervision, among those that are identified as the highest risk.

The data dealing with substance use was somewhat surprising. Alcohol use was essentially unrelated to the measure of success. That is, outcome was similar for both heavy users and non-users of alcohol. The use of drugs was related to outcome with users being more likely to complete their time on supervision successfully. Some caution must be taken in interpreting these findings. Both variables contained a high incidence of missing information. It should also be stated that these findings do not mean that substance use may not have contributed to failure.

7. Results of Charges Leading to Supervision

The results of court proceedings for those who remained on supervision to the conclusion of their case are as follows:

TABLE 13

RESULTS OF CASES ON SUPERVISION UNTIL SUPERVISION FINALIZED

	N	%
Acquitted or Charges Withdrawn	114	20.2
Suspended Sentence	25	4.4
Fined, License Suspended	89	15.8
Probation/CSO/Restitution	184	32.6
Incarcerated less than 30 days	47	8.3
Incarcerated 30 days, less than 90 days	42	7.5
Incarcerated 90 days or more	63	11.2
TOTAL	564	100.0
Missing information	(99)	

According to these data only 27% of the successful cases received sentences of incarceration. Of the majority who received non-incarcerated sentences, the highest percentage was for probation, C.S.O. or restitution.

IV DISCUSSION

There are certain limitations to the design and outcome measures employed in this study which must be kept in mind while discussing the results. As with most research in corrections, the control and precision required for a tight experimental approach were not feasible. Nonetheless, the methodology employed does provide strong evidence as to the operations and effectiveness of the programme.

The section of the report dealing with the supervision clients has the obvious limitation that it lacked a suitable control group. While it provides a useful description of a large sample of the project's clients, we are left to speculate on how this group compares to those released without supervision or those who remain imprisoned during their pretrial period. Another study (Morris, 1982) does show that supervision clients in Toronto differ on a number of dimensions from those released on their own recognizance.

Striking characteristics among the supervision group include a very high portion unemployed and large numbers living outside a traditional family setting. Most clients had at least some previous criminal history with a large number under some form of criminal justice jurisdiction at the time they were placed on supervision. What is most obvious in the description of supervision clients is that they were, in the majority, a group with strong needs for some form of community support.

In terms of the performance of clients while on supervision, the lack of comparison data again causes problems. The extent of noncompliance with release conditions is, however, sufficient on its own, to warrant concern. With over half the sample involved in some activity serious enough to result in legal action, one has to question the ability of the projects to prevent such activities.

At the same time, the level of noncompliance could be taken as further evidence that the supervision clients were a group in need of some form of service. The data on factors related to success on bail supervision shed further light on this issue. The group failing to successfully complete their period of bail supervision were distinguished by indicators of poor social support and a lack of personal coping abilities. They were, typically, living alone, unemployed with limited education and some prior criminal involvement.

The most critical part of this research is the analysis of institutional impact. At the same time, this is the section which is most open to debate in terms of interpretation. Since an early draft of the findings was distributed in February, 1982, there has been considerable discussion dealing with the validity of the conclusions drawn. Several of the concerns expressed about this component of the research should be addressed.

Essentially, the conclusions to be drawn from the institutional impact data must be based on an assessment of the appropriateness and validity of the measures used. There are, admittedly, some problems with the measures employed. The need to use different definitions in the pre and post measure of remand days-stay obviously weakened that part of the analysis. The admission data, while much more reliable, are only indirect measures of the main aim of the projects. It is for these reasons that three separate measures of impact were employed. With all measures indicating a similar conclusion, the strength of the evidence is increased considerably. Research of this type, by nature, cannot lead to definitive statements. The failure to show any impact at all, however, leaves it unlikely that an appreciable impact has been achieved.

Despite these conclusions, one must remain hesitant to make any specific recommendations with regard to the future of the programme. The provincial remand situation is extremely complex with numerous components of the criminal justice system impacting upon it. In retrospect, some of the expectations for this programme may have been unrealistic.

It is also important to note that the very broad outcome measures used could not hope to detect specific strengths or weaknesses in the programme. Certain accomplishments may have been masked or offset by other unexpected programme results. The results of this study must, however, lead to a reassessment of the bail programme as it now exists. Such a comprehensive analysis is, in fact, currently being undertaken by the Ministry.

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APPENDIX A

COURT ACTIVITY DATA

TABLE A-1

CRIMINAL CODE CHARGES RECEIVED IN PROVINCIAL COURTS

COURT LOCATION	FISCAL YEAR			
	1977-78	1978-79	1979-80	1980-81
Metro Toronto	108463	102359	103319	107943
Hamilton-Wentworth	16470	17327	16024	19493
Niagara North	5456	5722	6175	5446
Niagara South	5784	5809	6417	6353
Waterloo	10817	11811	12190	11813
ORIGINAL PROJECTS	38527	40669	40806	43105
Ottawa Carleton	10607	12177	14568	14751
Peel	13714	14553	15909	15318
Sudbury	6680	7736	7717	8238
Thunder Bay	6939	7645	7936	8703
Algoma	6020	6112	6477	6611
RECENT PROJECTS	43960	48223	52607	53621
Non project counts	121667	134244	139462	148501
Provincial Total	312627	325495	336194	353170

TABLE A-2

RELATIVE ANNUAL CHANGE IN CHARGES RECEIVED AT COURTS WITHIN PROJECT GROUPINGS

PROJECT GROUPING	1977-78 to 1978-79	1978-79 to 1979-80	1979-80 to 1980-81
ORIGINAL PROJECTS	+5.6%	+0.3%	+5.6%
METRO TORONTO	-5.6%	+1.0%	+4.5%
RECENT PROJECTS	+9.7%	+9.1%	+1.9%
NON PROJECT COURTS	+10.3%	+3.9%	+6.5%